

REMARKS

Office Action Summary

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-6 and 12-23 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior arts (APA) by Koza et al. (US 5,867,397, hereinafter "Koza") and in view of another APA (Ullman, J.R) as set forth in the previous office action.

Telephone Interview of 02/25/2010

Applicant's representative conducted a telephone interview with Examiner Wong and his Supervisor on 02/25/2010. The rejection to claims 1-6, 12-23 under 103 was discussed in view of the APA Koza and Ullman.

Status of Claims:

Claims 1-6 and 13-23 are pending.

Claims 1, 22 and 23 have been amended. Claim 14 has been canceled. No new matter has been added. Amendments to claims 1, 22, and 23 are also supported by the specification at page 53, lines 11-16.

Objection to Drawings:

Formal drawings will be submitted following allowance of the present application.

Rejection under 35 USC §101 – claim 23

Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 23 has been accordingly amended to add the term "non-transitory".

Applicant respectfully requests that the present rejection to claim 23 be withdrawn.

Rejection under 35 USC §103(a) – claims 1-6 and 12-23

Claims 1-6, 12-23 stand rejected under 35 USC §103(a) as being allegedly unpatentable over applicants' admitted prior arts (APA) by *Koza et al.* (US 5,867,397) in view of another APA (*Ullman, J.R.*) as set forth in the previous office action.

In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed in claims 1-6, 12, 13, 15-23 includes limitations that are not disclosed by both references *Koza* and *Ullman*.

Independent claim 1 includes initializing a plurality of candidate entities...”by supplying, from an external source, at least one candidate entity partially satisfying the predetermined design requirement which includes a characteristic of the reference structure to the initialized plurality of candidate entities.” As explained in the specification, “a human designer may find it advantageous to apply his or her domain knowledge of a particular field to create the initial circuit for a particular problem. Such knowledge would bias the search for a satisfactory design in the direction of a particular known or desirable characteristic.” Page 53, lines 11-16.

In contrast, *Koza* ‘397 describes supplying “an initial random population for run 1006” in FIG. 1B. The initial random population in *Koza* ‘397 does not include “at least one candidate entity partially satisfying the predetermined design requirement which includes a characteristic of the reference structure to the initialized plurality of candidate entities.” Furthermore there is no suggestion in *Koza* ‘397 to include characteristics of the reference structure during initialization. As such, the present process is more efficient over *Koza* ‘397 because less iterations would be needed since the initialization already bias the process in a direction.

With respect to *Ullman*, *Ullman* is about isomorphism value and is completely silent as to the claimed limitation.

Applicant therefore submits that the rejection based the *Koza* and *Ullman* reference be withdrawn. Thus, Applicant submits that claims 1-6, 12, 13, 15-23 recite novel subject matter which distinguishes over any possible combination of *Koza* and *Ullman*.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the cited reference. Therefore, Applicants submit that this application is now in condition for allowance.

Extension of Time

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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